

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARLOS AUGUSTINE,  
Plaintiff,  
v.  
HEATHER SHIRLEY, et al.,  
Defendants.

No. 1:23-cv-00520-SAB (PC)

ORDER VACATING SETTLEMENT  
CONFERENCE, LIFTING STAY OF CASE,  
AND DIRECTING CLERK OF COURT TO  
ISSUE THE DISCOVERY AND  
SCHEDULING ORDER

(ECF Nos. 17, 18.)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On December 8, 2023, the Court issued an order referring this case to the Court's Alternative Dispute Resolution Program, set the case for a settlement conference on February 8, 2024, before Magistrate Judge Barbara A. McAuliffe, and stayed the case. (ECF No. 17.) The Court advised defense counsel that counsel could opt-out of the settlement conference with thirty days.

On January 4, 2024, Defendants filed a motion to opt-out of the settlement conference because after investigation they believe a settlement conference would be unproductive at this time. (ECF No. 18.)

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Accordingly, it is HEREBY ORDERED that:

1. The settlement conference set for February 8, 2024, before Magistrate Judge Barbara A. McAuliffe is VACATED;
2. The stay of this case is lifted; and
3. The Clerk of Court shall issue the discovery and scheduling order.

IT IS SO ORDERED.

Dated: **January 5, 2024**

  
UNITED STATES MAGISTRATE JUDGE